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MONTANA LEGISLATIVE HISTORY

Chapter 5 ~~19~~ 2003

Bill H 188 S _____ Original bill & history x C

H. Committee on TAXATION			S. Committee on TAXATION		
Hearing Date(s)	1/13	x C	Hearing Date(s)	1/28	x C
EXEC. ACTION	1/17	x C	EXEC. ACTION	1/29	x C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 188

INTRODUCED BY R. DEVLIN

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TRESPASS EXCEPTION FOR DEPARTMENT OF REVENUE PROPERTY VALUATION EMPLOYEES ACTING WITHIN THE COURSE AND SCOPE OF THEIR DUTIES; REQUIRING THAT THE DEPARTMENT PUBLISH NOTICE OF INTENT TO ENTER ONTO PROPERTY FOR APPRAISAL AND AUDIT PURPOSES; PROVIDING THAT PROPERTY VALUATION EMPLOYEES MAY ENTER PROPERTY UNDER SPECIFIC GUIDELINES; ALLOWING THE LANDOWNER TO REQUIRE THAT THE LANDOWNER OR LANDOWNER'S AGENT BE PRESENT WHEN DEPARTMENT EMPLOYEES ENTER THE LANDOWNER'S PROPERTY; ALLOWING THE DEPARTMENT TO ESTIMATE THE VALUE OF PROPERTY WHEN ACCESS IS DENIED; PROHIBITING, UNDER CERTAIN CONDITIONS, A COUNTY TAX APPEAL BOARD AND THE STATE TAX APPEAL BOARD FROM ADJUSTING ESTIMATED PROPERTY VALUES; AMENDING SECTION 45-6-203, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Requirements for entry on property by property valuation staff employed by department -- authority to estimate value of property not entered.** (1) Subject to the conditions and restriction of this section, the provisions of 45-6-203 do not apply to property valuation staff employed by the department and acting within the course and scope of the employees' official duties.

(2) A person qualified under subsection (1) may enter private land to appraise or audit property for property tax purposes.

(3) (a) No later than [60 days after the effective date of this act] for the year 2003 and January 31 of each successive year, the department shall publish in a newspaper of general circulation in each county a notice that the department may enter property for the purpose of appraising or auditing property.

(b) The published notice must indicate:

(i) that a landowner may require that the landowner or the landowner's agent be present when the person qualified in subsection (1) enters the land to appraise or audit property;

(ii) that the landowner shall notify the department in writing of the landowner's requirement that the landowner or landowner's agent be present; and

(iii) that the landowner's written notice must be mailed to the department at an address specified and be postmarked not more than 30 days following the date of publication of the notice.

(4) The written notice described in subsection (3)(b)(ii) must be legible and include:

(a) the landowner's full name;

(b) the mailing address and property address; and

(c) a telephone number at which an appraiser may contact the landowner during normal business hours.

(5) When the department receives a written notice as described in subsection (4), the department shall contact the landowner or the landowner's agent to establish a date and time for entering the land to appraise or audit the property.

(6) If a landowner or the landowner's agent prevents a person qualified under subsection (1) from entering land to appraise or audit property or fails or refuses to establish a date and time for entering the land pursuant to subsection (5), the department shall estimate the value of the real and personal property located on the land.

(7) A county tax appeal board and the state tax appeal board may not adjust the estimated value of the real or personal property determined under subsection (6) unless the landowner or the landowner's agent gives permission to the department to enter the land to appraise or audit the property.

(8) A person qualified under subsection (1) who enters land pursuant to this section shall carry on the person identification sufficient to identify the person and the person's employer and shall present the identification upon request.

(9) The authority granted by this section does not authorize entry into improvements, personal property, or buildings or structures without the permission of the owner or the owner's agent.

(10) Vehicular access to perform appraisals and audits is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner.

Section 2. Section 45-6-203, MCA, is amended to read:

"45-6-203. Criminal trespass to property. (1) Except as provided in [section 1] and 70-16-111, a person commits the offense of criminal trespass to property if the person knowingly:

(a) enters or remains unlawfully in an occupied structure; or

(b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 15, chapter 7, part 1, and the provisions of Title 15, chapter 7, part 1, apply to [section 1].

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

- END -

FISCAL NOTE

Bill #: HB0188 **Title:** Clarify authority to enter private property for prop. tax audit and appraisal

Primary Sponsor: Devlin, R **Status:** As Introduced

Ronald R. Devlin
Sponsor signature Date

Chuck Swysgood, Budget Director 1/15/03
Date

Fiscal Summary	FY 2004 Difference	FY 2005 Difference
Revenue:		
General Fund	$ 864,500	$ 1,871,500
State Special Revenue (university)	54,600	118,200
Net Impact on General Fund Balance:	$ 864,500	$ 1,871,500

☒	Significant Local Gov. Impact	☐	Technical Concerns
☐	Included in the Executive Budget	☒	Significant Long-Term Impacts
☐	Dedicated Revenue Form Attached	☐	Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. The Department of Revenue is required to take full charge of assessing all property subject to taxation and equalizing values and secure such personnel as is necessary to properly perform its duties. (15-8-101, MCA)
2. The Department of Revenue is required to administer and supervise a program for the periodic revaluation of all taxable property in classes three, four, and ten (agricultural land, residential and commercial property, and forest land respectively). All other property must be revalued annually. (15-7-111, MCA)
3. Under current law, Department of Revenue appraisal staff is not allowed to do an on-site appraisal of property that is posted non-trespassing without the owner's permission.
4. Without the ability to view property, appraisers cannot make reasoned valuation determinations. Property either escapes assessment entirely or partially because current building characteristic information is lacking. This jeopardizes quality assurance and results in increased challenges to individual appraisals.
5. Under the defined guidelines contained in the proposal, appraisers would be allowed to view and, therefore, appraise newly constructed property that lies on posted land.
6. Under current law, appraisers cannot view and appraise newly constructed property that lies on posted land. Without the consent of the owner it is estimated that 67% of the rural new construction in tax year 2003 will not be discovered and 75% of the rural residential new construction for tax year 2004 and tax years thereafter will not be discovered.
7. The total taxable value of rural residential improvements in tax year 2002 is $340,100,000. The new construction growth rate for this property is estimated to be 4%. The estimated taxable value of rural residential new construction for tax year 2003 (fiscal year 2004 revenues) is estimated to be $13,600,000

HB 188

($340,100,000 x .04). The estimated total taxable value of rural residential new construction for tax year 2004 (fiscal year 2005 revenues) is estimated to be $14,100,000 ($13,600,000 x 1.04).

8. Taxable value of $9,100,000 (13,600,000 x 67%) will not be discovered and will not be included in the tax bases for state government, local governments, and school districts beginning in tax year 2003 (fiscal year 2004 property tax revenues). This undiscovered taxable value will carry forward into fiscal year 2005 and each fiscal year thereafter. For fiscal year 2005, an additional $10,600,000 (14,100,000 x 75%) in taxable value will not be discovered and will not be included in the tax bases.
9. Under the proposal, total taxable value will *increase* $9,100,000 in tax year 2003 (fiscal year 2004 revenues) and $19,700,000 if fiscal year 2005 ($9,100,000+$10,600,000).
10. State mills are 95 mills levied for the state general fund and 6 mills levied for the university system. Local government mills are 167 mills levied for county governments and 187 mills levied for local schools.
11. Under the proposal; the state general fund will gain $864,500 ($9,100,000 x .095) in fiscal year 2004 and $1,871,500 ($19,700,000 x .095) in fiscal year 2005.
12. Under the proposal; the university system will gain $54,600 ($9,100,000 x .006) in fiscal year 2004 and $118,200 ($19,700,000 x .006) in fiscal year 2005.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
It is estimated that $9,100,000 in fiscal 2004 and $19,700,000 in fiscal 2005 taxable value (not tax revenue) of newly constructed rural residential property currently undetected and not be paying property taxes for local government services and to local school districts will be taxed.

LONG-RANGE IMPACTS:
The amount of undiscovered taxable value each year continues to grow approximately $10,000,000 as each year's undiscovered new construction is added to the cumulative undiscovered new construction from the prior years. As the amount of undiscovered taxable value of approximately $10 million each year continues to grow, there will be approximately $1 million of general fund revenue lost for each year's undiscovered newly constructed property. Under this cumulative process, it is estimated that the total amount lost to the state general fund over the four-year period from fiscal year 2004 to fiscal year 2007 is $10,000,000. It is estimated that the total amount lost to the local governments and local school districts over the same four-year period is $35,000,000.

Bill Draft Number: LC0206
Bill Type - Number: HB 188
Short Title: Clarify authority to enter private property for prop. tax audit and appraisal
Primary Sponsor: Ronald Devlin

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 51

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
(H) Revised Fiscal Note Printed	04/22/2003			
(H) Revised Fiscal Note Received	04/22/2003			
(H) Revised Fiscal Note Requested	04/22/2003			
Chapter Number Assigned	02/07/2003			
(H) Signed by Governor	02/06/2003			
(H) Transmitted to Governor	02/04/2003			
(S) Signed by President	02/04/2003			
(H) Signed by Speaker	02/04/2003			
(H) Returned from Enrolling	02/03/2003			
(C) Sent to Printing	02/03/2003			
(H) Fiscal Note Printed	02/03/2003			
(H) Fiscal Note Received	02/03/2003	0		
(H) Sent to Enrolling	02/01/2003			
(S) Returned to House	02/01/2003			
(S) 3rd Reading Concurred	02/01/2003	44	5	
(S) Scheduled for 3rd Reading	02/01/2003			
(S) 2nd Reading Concurred	01/31/2003	45	5	
(S) Scheduled for 2nd Reading	01/31/2003			
(S) Committee Report--Bill Concurred	01/29/2003			(S) Taxation
(S) Committee Executive Action--Bill Concurred	01/29/2003	10	2	(S) Taxation
(S) Hearing	01/28/2003			(S) Taxation
(H) Revised Fiscal Note Requested	01/24/2003			
(S) Referred to Committee	01/23/2003			(S) Taxation
(S) First Reading	01/23/2003			
(H) Transmitted to Senate	01/22/2003			
(H) 3rd Reading Passed	01/22/2003	91	9	
(H) Scheduled for 3rd Reading	01/22/2003			
(H) 2nd Reading Passed	01/21/2003	86	13	
(H) Scheduled for 2nd Reading	01/21/2003			
(C) Sent to Printing	01/20/2003			
(H) Committee Report--Bill Passed as Amended	01/20/2003			(H)

			Taxation
(H) Committee Executive Action--Bill Passed as Amended	01/17/2003	18	0 (H) Taxation
(H) Fiscal Note Printed	01/15/2003		
(H) Fiscal Note Received	01/15/2003		
(H) Hearing	01/13/2003		(H) Taxation
(H) First Reading	01/06/2003		
(H) Referred to Committee	01/03/2003		(H) Taxation
(H) Fiscal Note Requested	01/02/2003		
(C) Introduced Bill Text Available Electronically	12/24/2002		
(H) Introduced	12/24/2002		
(C) Pre-Introduction Letter Sent	12/23/2002		
(C) Draft in Assembly/Executive Director Review	12/23/2002		
(C) Draft in Final Drafter Review	12/23/2002		
(C) Bill Draft Text Available Electronically	12/23/2002		
(C) Draft in Input/Proofing	12/23/2002		
(C) Draft to Drafter - Edit Review [CAJ]	12/23/2002		
(C) Draft in Edit	12/23/2002		
(C) Draft in Legal Review	12/20/2002		
(C) Draft to Requester for Review	11/25/2002		
(C) Draft to Requester for Review	11/05/2002		
(C) Draft Request Received	06/13/2002		

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Revenue and Transportation Interim Committee	
Drafter	Heiman	Lee
By Request Of	Department of Revenue	
Primary Sponsor	Devlin	Ronald

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Property		Simple	PROP
Taxation--Property		Simple	TXPR
Privacy		Simple	PRIV

Additional Bill Information

Probable Fiscal Note: Yes
Preintroduction Required: Y
Session Law Ch. Number: 5
DEADLINE
Category: Revenue Bills
Transmittal Date: 04/03/2003
Return (with 2nd house amendments) Date: 04/16/2003

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	06-FEB-03	

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN DANIEL FUCHS**, on January 13, 2003 at 8:05 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Daniel Fuchs, Chairman (R)
Rep. Ronald Devlin, Vice Chairman (R)
Rep. Ron Erickson, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Joe Balyeat (R)
Rep. Gary Branae (D)
Rep. Eileen J. Carney (D)
Rep. Jill Cohenour (D)
Rep. Larry Cyr (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Carol Lambert (R)
Rep. Jesse Laslovich (D)
Rep. Jim Peterson (R)
Rep. John (Jack) W. Ross (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Gary Forrester (D)
Rep. Kim Gillan (D)

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Jeff Martin, Legislative Branch

Please Note: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A videotaped recording of the meeting is available from the Montana Historical Society.

HEARING ON HB 188

Sponsor: REP. DEVLIN, HD 3, TERRY

Opening Statement by Sponsor:

9:30 a.m. **Rep. Devlin**

Proponents' Testimony:

9:32 a.m. **Kurt Alme, Department of Revenue**

9:41 a.m. **Randy Wilke, Department of Revenue**

EXHIBIT(tah06a05)

EXHIBIT(tah06a06)

EXHIBIT(tah06a07)

EXHIBIT(tah06a08)

10:00 a.m. **Harold Blattie, Montana Association of Counties**

10:00 a.m. **Mary Whittinghill, Montana Taxpayers Association**

10:02 a.m. **Todd Lorshin, MEA-MFT**

Opponents' Testimony: None.

Questions from Committee Members and Responses:

10:03 a.m. **Rep. Peterson**

10:04 a.m. **Kurt Alme**

10:05 a.m. **Rep. Lake**

10:05 a.m. **Kurt Alme**

10:06 a.m. **Rep. Ross**

10:06 a.m. **Rep. Devlin**

10:07 a.m. **Rep. Anderson**

10:08 a.m. **Randy Wilke**

Closing by Sponsor:

10:10 a.m. **Rep. Devlin**

EXECUTIVE ACTION ON HB 58

EXHIBIT(tah06a09) Amendment to **HB 58** (HB005801.ajm)

Motion/Vote: 10:15 a.m. **REP. ERICKSON** moved that the **AMENDMENT** to **HB 58 DO PASS. Motion passed unanimously** by voice vote.

Motion/Vote: 10:15 a.m. **REP. ERICKSON** moved that **HB 58 DO PASS AS AMENDED. Motion passed unanimously** by roll call vote.

Exhibit : 5

This exhibit is a colored picture which can not be scanned on gray scale.

If you wish to view it,
it is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT
(406) 444-4774

Exhibit : 6

This exhibit is a colored picture which can not be scanned on gray scale.

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it is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT
(406) 444-4774

Exhibit : 7

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Montana Historical Society
225 North Roberts Street
Helena, MT
(406) 444-4774

Exhibit : 8

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Montana Historical Society
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Helena, MT
(406) 444-4774

HOUSE OF REPRESENTATIVES
Roll Call
TAXATION COMMITTEE

DATE 1-13-0

NAME	PRESENT	ABSENT	EXCUSED
REP. DAN FUCHS, CHAIRMAN	✓		
REP. RON DEVLIN, VICE CHAIR MAJORITY	✓		
REP. RON ERICKSON, VICE CHAIR MINORITY	✓		
REP. JOAN ANDERSEN	✓		
REP. JOE BALYEAT	✓		
REP. GARY BRANAE	✓		
REP. EILEEN CARNEY	✓		
REP. JILL COHENOUR	✓		
REP. LARRY CYR	✓		
REP. GARY FORRESTER			EX
REP. KIM GILLAN			EX
REP. VERDELL JACKSON	✓		
REP. BOB LAKE	✓		
REP. CAROL LAMBERT	✓		
REP. JESSE LASLOVICH	✓		
REP. JIM PETERSON	✓		
REP. JACK ROSS	✓		
REP. KARL WAITSCHIES	✓		

Montana House of Representatives
Visitors Register

TAXATION COMMITTEE **Date** 1/13/03

Bill No. HB 188 **Sponsor(s)** R Devlin

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Mary Whittinghill	MT Taxpayers	X		
Harold Dutton	MRC	✓		
Kurt Alme	DOR	✓		
TODD Lorshin	MEA-MFT	✓		
TRANDY WILKE	D.O.R	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN DANIEL FUCHS**, on January 17, 2003 at 8:01 A.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Daniel Fuchs, Chairman (R)
Rep. Ronald Devlin, Vice Chairman (R)
Rep. Ron Erickson, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Joe Balyeat (R)
Rep. Gary Branae (D)
Rep. Eileen J. Carney (D)
Rep. Jill Cohenour (D)
Rep. Larry Cyr (D)
Rep. Gary Forrester (D)
Rep. Kim Gillan (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Carol Lambert (R)
Rep. Jesse Laslovich (D)
Rep. Jim Peterson (R)
Rep. John (Jack) W. Ross (R)
Rep. Karl Waitschies (R)

Members Excused: None.

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Jeff Martin, Legislative Branch

Please Note:

Video-taped Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 267, 1/13/2003;
HB 268, 1/13/2003;
HB 275, 1/13/2003

Executive Action: HB 188 DO PASS AS AMENDED 18-0
HB 207 DO PASS AS AMENDED 18-0
HB 239 TABLED 15-3

HEARING ON HB 267

Sponsor: **REP. GALVIN-HACRO, HD 48, GREAT FALLS**

Opening Statement by Sponsor:

8:05 **REP. GALVIN-HACRO**

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

8:07 a.m. **REP. LAKE**

8:07 a.m. **REP. GALVIN-HACRO**

8:07 a.m. **REP. PETERSON**

8:08 a.m. **REP. GALVIN-HACRO**

8:09 a.m. **REP. PETERSON**

8:09 a.m. **REP. GALVIN-HACRO**

8:10 a.m. **REP. BRANAE**

8:10 a.m. **REP. GALVIN-HACRO**

8:10 a.m. **REP. CARNEY**

8:11 a.m. **REP. GALVIN-HACRO**

8:11 a.m. **REP. WAITSCHIES**

8:11 a.m. **REP. GALVIN-HACRO**

8:11 a.m. **REP. WAITSCHIES**

10:52 a.m. Break

11:03 a.m. Resume

EXECUTIVE ACTION ON HB 188

Motion: 11:04 a.m. **REP. DEVLIN** moved **HB 188.**

Motion: 11:05 a.m. **REP. DEVLIN** moved that **HB 188 BE AMENDED.**

EXHIBIT(tah10a05)

11:06 a.m. **Jeff Martin**

11:09 a.m. **REP. GILLAN**

11:09 a.m. **REP. FUCHS**

Motion/Vote: 11:09 a.m. **REP. DEVLIN** moved that **HB 188 DO PASS AS AMENDED. Motion carried unanimously** by voice vote.

EXECUTIVE ACTION ON HB 207

Motion: 11:10 a.m. **REP. LASLOVICH** moved **HB 207.**

Motion: 11:11 a.m. **REP. LASLOVICH** moved that **HB 207 BE AMENDED.**

EXHIBIT(tah10a06)

11:12 a.m. **REP. LASLOVICH**

11:14 a.m. **REP. DEVLIN**

Motion/Vote: 11:09 a.m. **REP. LASLOVICH** moved that **HB 207 DO PASS AS AMENDED. Motion carried unanimously** by voice vote.

11:10 a.m. **CHAIRMAN FUCHS**

11:11 a.m. **REP. ERICKSON**

11:12 a.m. **REP. GILLAN**

11:13 a.m. **REP. JACKSON**

EXECUTIVE ACTION ON HB 239

Motion: 11:18 a.m. **REP. LASLOVICH** moved **HB 239.**

EXHIBIT 5
DATE 1-17-03
HB 188

Amendments to House Bill No. 188
1st Reading Copy

Requested by Representative Ronald Devlin

For the House Taxation Committee

Prepared by Jeff Martin
January 17, 2003 (7:56am)

1. Title, page 1, line 8.
Following: "PURPOSES;"
Insert: "REQUIRING THAT THE DEPARTMENT MAIL A ONE-TIME NOTICE TO OWNERS OF PRIVATE POSTED LAND THAT DEPARTMENT EMPLOYEES MAY ENTER THE PROPERTY FOR APPRAISAL AND AUDIT PURPOSES; REQUIRING THAT COUNTY TREASURERS ANNUALLY PROVIDE NOTICE TO LANDOWNERS THAT DEPARTMENT EMPLOYEES MAY ENTER PRIVATE LAND FOR APPRAISAL AND AUDIT PURPOSES;"

2. Title, page 1, line 15.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, line 20.
Following: "**entered**"
Insert: "**-- rules**"

4. Page 1, line 25.
Strike: "[" through "January 31"
Insert: "November 30"

5. Page 1, line 26.
Strike: "successive"

6. Page 2, line 4.
Following: "notice."
Insert: "The department may grant a reasonable extension of time for returning the written notice."

7. Page 2.
Following: line 25
Insert: "(11) The department shall adopt rules that are necessary to implement [sections 1 and 2]. The rules must, at a minimum, establish procedures for granting a reasonable extension of time for landowners to respond to notices from the department."

8. Page 2.
Following: line 26
Insert: "NEW SECTION. **Section 2. Notice appraisal and audit -- statement of rights.** Each county treasurer shall include in the notice required by 15-16-101(1), 15-16-119, and 15-24-202 a statement that property valuation staff employed by the department may enter private property to appraise or audit property for property tax purposes as provided in [section 1]. The notice must include a statement of landowner rights in words substantially similar to: "You or your agent have the right to be present when your property is appraised or audited. If you wish to make an appointment for the next tax year, call [insert local department of revenue office phone number] or write your local department of revenue office between December 1 and December 31 of this year.""
Insert: "NEW SECTION. **Section 3. Notification appraisal and audit.** For property identified by the department of revenue as posted private land pursuant to 45-6-201, the department shall, not later than [60 days after the effective date of this act], mail notice to the owner of the posted private land that property valuation staff employed by the department may enter the property to appraise or audit property for property tax purposes. The notice must include the provisions of [section 1(3) and (4)]."
Renumber: subsequent sections

9. Page 3, line 5.
Strike: the third "Section"
Insert: "Sections"
Following: "1"
Insert: "and 2"
Strike: "is"
Insert: "are"

10. Page 3, line 6.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: "and 2"

11. Page 3.
Following: line 8
Insert: "NEW SECTION. **Section 7. {standard} Termination.** [Section 3] terminates September 1, 2003."

- END -

HOUSE OF REPRESENTATIVES
Roll Call
TAXATION COMMITTEE

DATE 1-17-03

NAME	PRESENT	ABSENT	EXCUSED
REP. DAN FUCHS, CHAIRMAN	✓		
REP. RON DEVLIN, VICE CHAIR MAJORITY	✓		
REP. RON ERICKSON, VICE CHAIR MINORITY	✓		
REP. JOAN ANDERSEN	✓		
REP. JOE BALYEAT			✓
REP. GARY BRANAE	✓		
REP. EILEEN CARNEY	✓		
REP. JILL COHENOUR	✓		
REP. LARRY CYR	✓		
REP. GARY FORRESTER	✓		
REP. KIM GILLAN	✓		
REP. VERDELL JACKSON	✓		
REP. BOB LAKE	✓		
REP. CAROL LAMBERT	✓		
REP. JESSE LASLOVICH	✓		
REP. JIM PETERSON	✓		
REP. JACK ROSS	✓		
REP. KARL WAITSCHIES	✓		

HOUSE STANDING COMMITTEE REPORT

January 17, 2003

Mr. Speaker:

We, your committee on **Taxation** recommend that **House Bill 188** (first reading copy -- white) **do pass as amended.**

Signed: Daniel Fuchs
Representative Daniel Fuchs, Chair

And, that such amendments read:

1. Title, page 1, line 8.
Following: "PURPOSES;"
Insert: "REQUIRING THAT THE DEPARTMENT MAIL A ONE-TIME NOTICE TO OWNERS OF PRIVATE POSTED LAND THAT DEPARTMENT EMPLOYEES MAY ENTER THE PROPERTY FOR APPRAISAL AND AUDIT PURPOSES; REQUIRING THAT COUNTY TREASURERS ANNUALLY PROVIDE NOTICE TO LANDOWNERS THAT DEPARTMENT EMPLOYEES MAY ENTER PRIVATE LAND FOR APPRAISAL AND AUDIT PURPOSES;"

2. Title, page 1, line 15.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

3. Page 1, line 20.
Following: "entered"
Insert: "-- rules"

4. Page 1, line 25.
Strike: "[" through "January 31"
Insert: "November 30"

5. Page 1, line 26.
Strike: "successive"

Committee Vote:
Yes 18, No 0.

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1-17-03 8
1:35

6. Page 2, line 4.
Following: "notice."
Insert: "The department may grant a reasonable extension of time for returning the written notice."

7. Page 2.
Following: line 25
Insert: "(11) The department shall adopt rules that are necessary to implement [sections 1 and 2]. The rules must, at a minimum, establish procedures for granting a reasonable extension of time for landowners to respond to notices from the department."

8. Page 2.
Following: line 26
Insert: "NEW SECTION. **Section 2. Notice appraisal and audit -- statement of rights.** Each county treasurer shall include in the notice required by 15-16-101(1), 15-16-119, and 15-24-202 a statement that property valuation staff employed by the department may enter private property to appraise or audit property for property tax purposes as provided in [section 1]. The notice must include a statement of landowner rights in words substantially similar to: "You or your agent have the right to be present when your property is appraised or audited. If you wish to make an appointment for the next tax year, call [insert local department of revenue office phone number] or write your local department of revenue office between December 1 and December 31 of this year.""
Insert: "NEW SECTION. **Section 3. Notification appraisal and audit.** For property identified by the department of revenue as posted private land pursuant to 45-6-201, the department shall, not later than [60 days after the effective date of this act], mail notice to the owner of the posted private land that property valuation staff employed by the department may enter the property to appraise or audit property for property tax purposes. The notice must include the provisions of [section 1(3) and (4)]."
Renumber: subsequent sections

9. Page 3, line 5.
Strike: the third "Section"
Insert: "Sections"
Following: "1"
Insert: "and 2"
Strike: "is"
Insert: "are"

10. Page 3, line 6.
Strike: "section"
Insert: "sections"
Following: "1"
Insert: "and 2"

11. Page 3.
Following: line 8
Insert: "NEW SECTION. **Section 7. Termination.** [Section 3] terminates September 1, 2003."

- END -

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN BOB DEPRATU,** on January 28, 2003 at 9 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bob DePratu, Chairman (R)
Sen. Bob Story Jr., Vice Chairman (R)
Sen. Jerry W. Black (R)
Sen. John C. Bohlinger (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Dan Harrington (D)
Sen. Walter McNutt (R)
Sen. Mike Taylor (R)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Lee Heiman, Legislative Branch
Shirley Herrin, Committee Secretary

Please Note:

Video-taped Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: SB 167, 1/20/2003; SB 65, 1/20/2003; HB 188, 1/20/2003
Executive Action: None.

SB016701.agp **EXHIBIT(tas18a07)** and a diagram **EXHIBIT(tas18a08)**

Proponents' Testimony:

9:48 William Duffield, MT Assoc. of Oil, Gas and Coal

Opponents' Testimony:

9:50 Verner Bertleson, MT Senior Citizens Assoc.
9:55 Bob Raney, Bozeman, Self
9:57 Ann Marie Robinson, Deputy Director of Bear Paw Development - Co-ordinator for the North Central MT Regional Water System
9:59 Bob Ream, Chairman, MT Democratic Party
10:00 REP. DAVE WANZENRIED, Missoula, Self
10:03 Don Judge, Teamsters Local # 190
10:05 Gene Fenderson, MT Progressive Labor Caucus
10:07 Daniel Watson, Rosebud County Commissioner
10:08 Steve Wade, Dry Prairie Regional Water Project
10:09 Dan Keil, North Central Regional Water System

Questions from Committee Members and Responses:

10:10 SENATOR HARRINGTON questioned SENATOR BALES
10:13 SENATOR ELLINGSON questioned SENATOR BALES
10:15 SENATOR ELLINGSON questioned Lee Heiman, Staff member
10:16 SENATOR TOOLE questioned SENATOR BALES
10:20 SENATOR ELLIOTT questioned SENATOR BALES
10:23 SENATOR BLACK questioned SENATOR BALES
10:24 SENATOR TAYLOR questioned Ann Marie Robinson
10:26 SENATOR TAYLOR questioned Bob Ream
10:28 SENATOR TAYLOR questioned SENATOR BALES
10:29 SENATOR TAYLOR questioned Verner Bertelsen
10:30 SENATOR BLACK questioned Ann Marie Robinson
10:32 SENATOR TOOLE questioned Bob Ream
10:33 SENATOR ELLIOTT questioned Terry Johnson, Dept of Revenue
10:39 SENATOR STORY questioned SENATOR BALES
10:41 SENATOR STORY questioned Terry Johnson
10:43 SENATOR ELLINGSON questioned SENATOR BALES

Closing by Sponsor:

10:45 **SENATOR BALES** closed on SB 167.

HEARING ON HB 188

Sponsor: REP. RONALD DEVLIN, HD 3, Terry

Opening Statement by Sponsor:

11:00 **REP. DEVLIN** opened on HB 188 - "Clarify authority to enter private property for property tax audit".

Proponents' Testimony:

11:04 Kurt Alme, Director, Dept. of Revenue
11:08 Randy Wilke, Dept. of Revenue, referred to charts of Roosevelt County, Dearborn Area and passed out a packet of photos showing "No Trespassing" signs. **EXHIBIT(tas18a09)**. He also referred to a chart of Madison County.
11:28 Harold Blattie, MACo
11:31 Mary Whittinghill, MT Taxpayers Assoc.
11:33 Todd Lovshin, MEA-MFT

Opponents' Testimony: None.

Questions from Committee Members and Responses:

11:34 SENATOR BOHLINGER questioned Kurt Alme
11:37 SENATOR GLASER questioned Kurt Alme
11:39 SENATOR GLASER questioned Randy Wilke
11:41 SENATOR BLACK questioned Kurt Alme

Closing by Sponsor:

11:44 **REP. RON DEVLIN** closed on HB 188.

Exhibit : 9#

This exhibit is a colored picture which can not be scanned on gray scale.

If you wish to view it,
it is on file at the
Montana Historical Society
225 North Roberts Street
Helena, MT
(406) 444-4774

SENATE
TAXATION COMMITTEE
ROLL CALL

DATE Jan 28, 2003

MEMBER	ASSIGNMENT	PRESENT	EXCUSED	ABSENT
Sen. Bob DePratu	Chairman	✓		
Sen. Jerry Black	Member	✓		
Sen. John Bohlinger	Member	✓		
Sen. Jon Ellingson	Member	✓		
Sen. Jim Elliott	Member	✓		
Sen. Bill Glaser	Member	✓		
Sen. Dan Harrington	Member	✓		
Sen. Walt McNutt	Member	✓		
Sen. Mike Taylor	Member	✓		
Sen. Ken Toole	Member	✓		
Sen. Bob Story	Vice Chair	✓		

DATE JAN 28, 2003

SENATE COMMITTEE ON TAXATION

BILLS BEING HEARD TODAY: SB 65 ~ SB 167
HB 188

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bill Hutton	582 1638		65	✓	
CAROL CODE	587-4135		65	✓	
JEDEFENDERSON	—	PLC.	167		X
Don Judge	442-2968	Teamsters Local 190	SB 167		X
Daniel Watson	356-2251	ROSEBUD COUNTY	SB 167		X
Mike Hawkins	492 0025	Chapter 526-A AWA Representing VVA Assn	SB 65	✓	
Hal Manson	454-6218	American Legion	SB 65	✓	
Annmarie Robinson	265-9226	Deputy Director of Blue Paw Development Coordinator for the North Central MT RWS	167		X
Richard Salyer	449 9719		65	✓	
Dan Keil	627-2254	North Central RWA	SB 167		X
Steve Wade	443-6820	Dry Prairie Regional Water	SB 167		~
Mike Secrease	447 7892	VVA	SB 65	✓	
Mike Hampson	458-6012	VVA	SB 65	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 28, 2003

SENATE COMMITTEE ON Tax

BILLS BEING HEARD TODAY: SB 65, SB 167

HB 188

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE	
Kurt Alme		DOR	HB 188			
Bob Ream	442-9520	MT Democratic Party	SB 167		X	
~~Brad~~ Blattie	442-5209	MACo	HB 188	✓		
Tom Loushin	442-2123	MEA-MFT	HB 188	✓		
Dan Roberts	444-4459	DOR/MDT	SB 65	✓		
RANDY WILKE		D.O.R.	SB 65			INFO.
RANDY WILKE		D.O.R	HB 188	X		
Bob Rakosz						
William Duffield	939-4443	MACo Counties	SB 167	X		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE Jan 28, 2003

SENATE COMMITTEE ON Taxation

BILLS BEING HEARD TODAY: SB 167

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Verner Bertelsen	442-2979	MSL #	SB 167		X
Bob Raney	222-0558	Self	SB 167		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE January 28, 2003

SENATE COMMITTEE ON Taxation

BILLS BEING HEARD TODAY: SB65 ~ SB167
HB188

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Mary Whittinghill	442-2130	MT Taxpayers Assoc	HB188	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN BOB DEPRATU**, on January 29, 2003 at 9:02 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Bob DePratu, Chairman (R)
Sen. Bob Story Jr., Vice Chairman (R)
Sen. Jerry W. Black (R)
Sen. John C. Bohlinger (R)
Sen. Jon Ellingson (D)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Dan Harrington (D)
Sen. Walter McNutt (R)
Sen. Mike Taylor (R)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Lee Heiman, Legislative Branch
Shirley Herrin, Committee Secretary

Please Note:

Video-taped Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: HB 58, 1/23/2003; HB 59, 1/22/2003; HB 106, 1/23/2003
Executive Action: HB 58, HB 188

HEARING ON HB 59

Sponsor: REP. RON ERICKSON, HD 64, Missoula

Opening Statement by Sponsor:

9:24 **REP. ERICKSON** opened on HB 59 - "Revise elderly homeowner tax credit - 5 year time period - DOR record request.

Proponents' Testimony:

9:25 Don Hoffman, Dept. of Revenue

Opponents' Testimony: None.

Questions from Committee Members and Responses:

9:26 SENATOR STORY questioned REP. ERICKSON regarding the need for a fiscal note.

9:27 SENATOR ELLIOTT questioned Don Hoffman

9:28 SENATOR GLASER questioned Don Hoffman

9:32 SENATOR ELLINGSON questioned Don Hoffman

Closing by Sponsor:

9:33 **REP. ERICKSON** closed on HB 59.

EXECUTIVE ACTION ON HB 59 - NONE TAKEN

Questions from Committee Members and Responses:

9:35 SENATOR ELLIOTT questioned Don Hoffman. He then retracted his agreement to take Executive Action on the bill today. The committee decided to wait for a Fiscal Note.

9:38 **SENATOR DE PRATU** asked **SENATOR ELLINGSON** to work with the Department of Revenue on an amendment for HB 106.

EXECUTIVE ACTION ON HB 188

Motion:

9:40 **SEN. TOOLE** moved that **HB 188 BE CONCURRED IN.**

Discussion:

9:41 **SENATOR GLASER** made a statement.

9:41 **SENATOR STORY** made a statement.

Vote: Motion **carried 10- 2 with ELLIOTT and GLASER voting no.**

SENATE
TAXATION COMMITTEE
ROLL CALL

DATE JAN 29, 2003

MEMBER	ASSIGNMENT	PRESENT	EXCUSED	ABSENT
Sen. Bob DePratu	Chairman	✓		
Sen. Jerry Black	Member	✓		
Sen. John Bohlinger	Member	✓		
Sen. Jon Ellingson	Member	✓		
Sen. Jim Elliott	Member	✓		
Sen. Bill Glaser	Member	✓		
Sen. Dan Harrington	Member	✓		
Sen. Walt McNutt	Member	✓		
Sen. Mike Taylor	Member	✓		
Sen. Ken Toole	Member	✓		
Sen. Bob Story	Vice Chair	✓		

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Taxation** recommend that **House Bill 188** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Bob DePratu, Chair

To be carried by Senator Bob DePratu

- END -

Committee Vote:
Yes 10, No 2.

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